

REMARKS

Claims 1-11 are currently pending in the application. It is gratefully acknowledged that the Examiner has allowed Claims 4-11, and has objected to Claims 2-3 as being dependent upon a rejected base claim, but would allow Claims 2-3 if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner has maintained her rejection of Claim 1 under 35 U.S.C. §103 (a) as being unpatentable over *Khan et al.* (U.S. Patent Application Publication No. 2001/0056560) (hereinafter *Khan*) in view of *Dorenbosch et al.* (US Patent No. 5,801,639) (hereinafter *Dorenbosch*). In the Final Rejection, the Examiner repeated her contention that *Dorenbosch* teaches retransmitting as many times as the retransmission frequency. Applicants strongly disagree, and respectfully traverse.

Respectfully, Applicants have explained throughout the prosecution of this application that there is a distinction between the conventional term “frequency”, as in cycles per second, which the Examiner appears to be using in the examination of the present claims, and the claimed “frequency”, as in the amount of times the retransmission of data blocks takes place. In order to eliminate heretofore any misinterpretation of “retransmission frequency” in the present claims, and to explain the clear distinction between Claim1 and the cited references, Applicants respectfully set forth the following explanation to the Examiner.

As an initial matter, Applicants wish to re-assert the following. On page 14, lines 16-19 of the present Specification, the “packet retransmission frequency” is defined in this manner:

“In the HARQ Type I, the “packet retransmission frequency” indicates how many times the transmitter will repeatedly transmit the same packet data as that transmitted during the initial transmission.”

Accordingly, the “packet retransmission frequency” indicates the number of times of the retransmission, and not retransmission “frequency” in the conventional units of cycles per second, as in *Dorenbosch*.

In prior Office Actions and the Advisory Action, the Examiner has alleged that although *Khan* fails to teach the feature of retransmitting as many times as the retransmission frequency, *Dorenbosch* teaches said feature.

However, *Dorenbosch* is directed to curing an increase in noise interference, while increasing system capacity by using a frequency reuse method. In *Dorenbosch*, if the number of communication cells within a cluster is increased, noise interference as well as frequency reuse and system capacity is increased, so a SCT (selective call transceiver) cannot receive a message from a messaging system and has to request retransmission of at least a part of the message due to noise interference. Accordingly, *Dorenbosch* is related to a technique for providing a method and apparatus of determining a level of noise interference experienced by the SCT before transmitting the message from the messaging system to the SCT and transmitting the message at a quality level that is sufficient for the SCT to reliably receive the message.

Referring to the passage of *Dorenbosch* pinpointed by the Examiner as teaching retransmission according to a retransmission frequency request message on col. 4 lines 50-64, the passage states that a controller 108 adjusts a frequency reuse plan and a transmission power plan in accordance with a signal quality level measured by a SCT (116) and selects a third message to be transmitted to the SCT 116 by utilizing suitable combination of adjustments to the frequency reuse plan and the transmission power plan.

Referring to col. 5, lines 52-67 of *Dorenbosch*, also pinpointed by the Examiner, it is disclosed that the SCT 116 transmits a response signal according to a signal quality level measured from a data error rate and/or a signal to interference and receives a WTL (where to listen) message instructing it to listen to a frequency channel selected to receive the third message from the messaging system.

Clearly, the "frequency reuse plan" of *Dorenbosch* is for assigning a frequency pattern to a cluster of communication cells, and repeating the frequency pattern across another cluster, as described on col. 1 lines 14-17 of *Dorenbosch*, which is a conventional frequency reuse technique. That is not what is being claimed in the present claims. Instead, the present claims set forth retransmitting data blocks by the transmitter as many times as the retransmission frequency. The same is not disclosed in *Khan* as the Examiner concedes, and as thoroughly explained above, *Dorenbosch* does not cure the stated deficiencies in *Khan*. Accordingly, withdrawal of the §103 (a) rejection of Claim 1 is respectfully requested.

Independent Claim 1 is believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-3, these claims are likewise believed to be allowable by virtue of their dependence on independent Claim 1. Accordingly, reconsideration and withdrawal of the objection to dependent Claims 2-3 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-11, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, and specifically, should the Examiner feel that such a call could clear up any issues that the Examiner may have as to what is being claimed, particularly in Claim 1 with respect to the "retransmission frequency" recitation, the Examiner is strongly urged to contact Applicants' attorney at the number given below.

Respectfully submitted,



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